

# UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

Civil Division

Case No. 22-CV-567

(to be filled in by the Clerk's Office)

Patrick J. Knight

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

John Doe and Truist Financial Corporation

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT AND REQUEST FOR INJUNCTION

### I. The Parties to This Complaint

#### A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Patrick J. Knight
Street Address	1723 North Hubbard Street
City and County	Milwaukee, Milwaukee County
State and Zip Code	Wisconsin 53212
Telephone Number	(414)614-7287
E-mail Address	pknight@grgblaw.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

## Defendant No. 1

Name	John Doe
Job or Title ( <i>if known</i> )	
Street Address	Unknown
City and County	Unknown
State and Zip Code	Unknown
Telephone Number	Unknown
E-mail Address ( <i>if known</i> )	

## Defendant No. 2

Name	Truist Financial Corporation (Truist), Corporate Headquarters
Job or Title ( <i>if known</i> )	
Street Address	214 N. Tryon Street
City and County	Charlotte, Mecklenburg County
State and Zip Code	North Carolina, 28202
Telephone Number	(888)228-6654
E-mail Address ( <i>if known</i> )	

## Defendant No. 3

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

## Defendant No. 4

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	

E-mail Address *(if known)* \_\_\_\_\_

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

18 U.S.C. §1343; 18 U.S.C. §1344; 18 U.S.C. §1345

UCC Article 4A, including §4A-202, §4A-203, §4A-204, §4A-205, §4A-503, §4A-507

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### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, *(name)* Patrick J. Knight, is a citizen of the  
State of *(name)* Wisconsin.

##### b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated  
under the laws of the State of *(name)* \_\_\_\_\_,  
and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

#### 2. The Defendant(s)

##### a. If the defendant is an individual

The defendant, *(name)* John Doe, is a citizen of \_\_\_\_\_

the State of *(name)* Unknown . Or is a citizen of  
*(foreign nation)* Unknown .

b. If the defendant is a corporation

The defendant, *(name)* Truist Financial Corporation , is incorporated under  
the laws of the State of *(name)* North Carolina , and has its  
principal place of business in the State of *(name)* North Carolina .  
Or is incorporated under the laws of *(foreign nation)* \_\_\_\_\_ ,  
and has its principal place of business in *(name)* \_\_\_\_\_ .

*(If more than one defendant is named in the complaint, attach an additional page providing the  
same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at  
stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

The amount in controversy and taken through fraudulent wire transfer on May 12, 2022 is  
\$879,877.78, far exceeding the \$75,000 minimum claim limit.

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### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the  
facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant  
was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights,  
including the dates and places of that involvement or conduct. If more than one claim is asserted, number each  
claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if  
needed.

A. Where did the events giving rise to your claim(s) occur?

The wire transfer at issue in this matter originated from a First Midwest Bank branch, located in  
Brookfield, Wisconsin, and was intended to be transferred to the account of Heritage Title Services,  
Inc., likewise located in Brookfield, Wisconsin.

Instead, because of an elaborate internet-based scheme against Mr. Knight and the financial institutions  
in question, the money was fraudently conferred via wire transfer to an account being held by John  
Doe, in Sumter, South Carolina, a branch of Truist Bank, formerly known as BB&T Bank. The branch  
in question is owned and managed through Truist Financial Corporation, which is incorporated and  
headquartered in Charlotte, North Carolina.

- B. What date and approximate time did the events giving rise to your claim(s) occur?  
The transfer of funds occurred at approximately 12:00 P.M. on May 12, 2022.

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- C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

On May 12, 2022, Mr. Knight acted to effectuate the purchase of a residence located at 545 East Wells Street, Unit 1000, in Milwaukee, Wisconsin. Throughout the purchase process, Mr. Knight was working with Heritage Title Services, Inc., located in Brookfield, Wisconsin. The purchase was set to close on May 12, 2022, and Mr. Knight received a "Master Settlement Statement" and wire transfer instructions to complete the purchase of the property. Mr. Knight was paying for the property and all necessary costs, prorations, and payoffs in cash. To facilitate the transaction, he transferred the funds due, \$879,877.78, through his bank, First Midwest Bank, to a Sumter, South Carolina branch of Truist Financial Corporation, formerly operating as BB&T Bank (Routing Number 263191387; Bank Account Number 1100019472971).

Soon, when Heritage Title Services, Inc., did not receive the funds as intended, Mr. Knight learned the "Master Settlement Statement" and wire transfer information was fraudulent and that his email account had been hacked into such that the legitimate settlement statement from the title company had never been received and that the "Master Settlement Statement" and wire transfer information that came to his account was fraudulent. As a result, Mr. Knight's assets were illegally conferred to the routing number and bank account in question fraudulently and the holder of that account, John Doe, has obtained access to the money in question by false representation and theft.

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#### IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Because of the nature and sophistication of this fraud scheme, it is very possible that we may never discover the true identity of John Doe and the individuals at fault for this criminal activity and the theft of Mr. Knight's money may very well be located outside of the reach of the U.S. government for prosecution and civil action. An immediate emergency injunction is the only way to possibly stop the theft of this substantial sum of money.

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## **V. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Mr. Knight is seeking an immediate emergency hearing on his request for injunctive relief, with a hearing as soon as today, May 13, 2022, if the court can accommodate.

Mr. Knight is seeking immediate emergency injunctive relief to prevent the fraudulent withdrawal or transfer of the funds, totaling \$879,877.78, from Truist Financial Corporation, Routing Number 263191387, Account Number 1100019472971. He is likewise seeking a return of all money in question as this money was seized illegally and in violation of the Article 4A of the UCC and 18 U.S.C. §1343 and 18 U.S.C. §1344.

Enclosed is a proposed order granting emergency injunctive relief, preventing Truist Financial Corporation from authorizing the withdrawal of any of the funds from the account detailed above. This is a necessary step in stopping the furtherance of this theft and federal crime, and possibly the only opportunity to guarantee the victims, Mr. Knight and the financial institutions involved, be made whole.

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## **VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### **A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: \_\_\_\_\_

Signature of Plaintiff \_\_\_\_\_

Printed Name of Plaintiff \_\_\_\_\_

### **B. For Attorneys**

Date of signing: \_\_\_\_\_ 05/13/2022

Signature of Attorney	<u>/s/ Nicole M. Masnica</u>
Printed Name of Attorney	<u>Nicole M. Masnica</u>
Bar Number	<u>1079819</u>
Name of Law Firm	<u>Gimbel, Reilly, Guerin &amp; Brown, LLP</u>
Street Address	<u>330 E Kilbourn Ave, Suite 1170</u>
State and Zip Code	<u>Milwaukee, WI 53202</u>
Telephone Number	<u>414-271-1440</u>
E-mail Address	<u>nmasnica@grgblaw.com</u>